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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 DORIS JEAN MITCHELL,

7 Plaintiff,

8 v.

9 SETERUS, INC., et al.,

10 Defendants.
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Case No. 2:18-cv-01979-GMN-CWH

ORDER

12 Presently before the court is plaintiff Doris Jean Mitchell's application to proceed *in*
13 *forma pauperis* (ECF No. 1), filed on October 12, 2018.

14 Under 28 U.S.C. § 1914(a), a filing fee of \$350.00 is required to commence a civil action
15 in district court. Additionally, based on the Judicial Conference Schedule of Fees, District Court
16 Miscellaneous Fee Schedule, effective September 1, 2018, a \$50.00 administrative fee applies for
17 filing a civil action in district court, making the total filing fee \$400.00. Under 28 U.S.C. §
18 1915(a)(1), the court may authorize the commencement of a civil case "without prepayment of
19 fees and costs or security therefor" if a person submits an affidavit including a statement of all
20 assets that demonstrates the person is unable to pay the fees or give security for them.

21 Here, plaintiff submitted the affidavit required by § 1915(a) to show that she is unable to
22 prepay fees and costs or give security for them. Specifically, plaintiff indicates that her take-
23 home income is \$50,000 per year. Plaintiff indicates that she has an additional \$25,000 in cash,
24 or savings or checking account. Based on plaintiff's affidavit, plaintiff has debt obligation of
25 \$1,000 a month, and \$2,500 a month in housing expenses. Additionally, plaintiff is the owner of
26 two vehicles.

27 Based on plaintiff's affidavit, her yearly income is \$50,000, which exceeds her estimated
28 yearly expenses in the amount of \$42,000. Plaintiff therefore has not demonstrated that she is

1 unable to pay the costs of commencing this case under 28 U.S.C. § 1915(a)(1). See *Ross v. San*
2 *Diego County*, 2008 WL 440413 (S.D. Cal. Feb. 14, 2008) (finding plaintiff did not qualify to
3 proceed *in forma pauperis* where she received \$2,100 in disability payments, owned a car and
4 house, and “carried significant debt”); see also *Samuel v. Nat’l Health Svs., Inc.*, 2006 WL
5 2884795 at *1 (E.D. Cal. Oct. 10, 2006) (denying IFP application where plaintiff received
6 \$752.40 per month in Supplemental Security Income and had received a \$10,000.00 judgment
7 and owned a van valued at \$500.00) (citing *Green v. Cotton Concentration Co.*, 294 F.Supp. 34,
8 35 (D.C. Tex. 1968) (affidavit of indigency insufficient to establish indigency where both
9 employed plaintiffs earned less than \$350)); *Matter of Anderson*, 130 B.R. 497, 500 (W.D. Mich.
10 1991) (earnings of \$950 per month insufficient to show indigency where poverty level in
11 Michigan was \$6,620 per year); *In re Fontaine*, 10 B.R. 175, 177 (D. R.I. 1981) (no indigency
12 where weekly net pay of \$132, no dependents, and lived with mother to whom she paid \$25 per
13 week). The court therefore will deny plaintiff’s application to proceed *in forma pauperis*.
14 Having concluded that plaintiff may not proceed *in forma pauperis*, the court will not screen the
15 complaint under 28 U.S.C. § 1915(e)(2)(B).

16 IT IS THEREFORE ORDERED that plaintiff Andre M. Ingram’s application to proceed
17 *in forma pauperis* (ECF No. 2) is DENIED.

18 IT IS FURTHER ORDERED that plaintiff must pay the \$350.00 filing fee, plus the
19 \$50.00 administrative fee, within 30 days from the date of this order.

20 IT IS FURTHER ORDERED that Plaintiff’s failure to timely comply with this order will
21 result in a recommendation that this case be dismissed.

22 DATED: October 19, 2018

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C.W. HOFFMAN, JR.
25 UNITED STATES MAGISTRATE JUDGE
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